IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
Criminal Application No.3203 of 2006
In
Criminal Appeal No.232 of 2005

Office Notes, Office Memoranda of Coram, : Appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

Mr. N.A. Badar, Advocate for the Appellant.
Mr. D.B.Patel, APP for the Respondent/State

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CORAM : K. J. ROHEE & C. L. PANGARKAR, JJ
DATED : NOVEMBER 21, 2006

1. Heard the learned counsel for the parties.

2. The appellant is convicted for the offence punishable under Section 302 of IPC. It is alleged by the prosecution that one Punjabai w/o Laxman Bharkade who was having six children from her husband was residing with the appellant for about 4 to 6 years. Thereafter she started demanding two acres of land to the appellant. The appellant, however, refused to oblige her. On 7.9.2001 the dead body of Punjabai was found lying in a field. There were blood stained stones around the dead body. The head was crushed. On the next day, the appellant was arrested. It is alleged that during interrogation the appellant agreed to show the place where one of the blood stained stones and

his clothes were hidden. Accordingly he discovered the blood stained stones and his clothes from shrubs from near the field. The stone as well as the clothes were having blood group `A' which is that of deceased Punjabai. The appellant did not offer any explanation as to why the blood of deceased was found on his clothes. Thus besides Punjabai having been last seen in the company of the appellant, there are other incriminating circumstances which have been believed by the trial Judge. It was contended by the learned counsel counsel for the appellant that discovery panchanama does not bear the signature of the appellant and that the said piece of evidence should not be believed. In support of this plea, he relied on **State of Maharashtra .vs. Ashok Sukhdeo Raut – 2006 ALL MR (Cri) 1033**. We are not very much impressed by this submission. It may be true that the discovery panchanama does not bear the signature of the appellant. However, the evidence of the Investigating Officer is believed by the trial Judge and at this stage we do not intend to differ from the conclusions of the trial Judge. In the result, we find that no case is made out for suspension of sentence and for grant of bail. The application is, therefore, dismissed.

JUDGE **JUDGE**

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